



Office for Democratic Institutions and Human Rights

REPUBLIC OF AUSTRIA

PARLIAMENTARY ELECTIONS

29 September 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT

16 - 18 April 2024



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I. INTRODUCTION

Following an official invitation from the authorities of the Republic of Austria to observe the 29 September 2024 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 16 to 18 April 2024. The NAM comprised Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Goran Petrov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Federal Ministry for European and International Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank each of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Austria is a federal parliamentary republic consisting of nine provinces. The legislative powers are vested in the bicameral parliament, and on 29 September, voters will elect the 183-member National Council. Following the 2019 parliamentary elections, which took place early due to a political corruption crisis, several new scandals involving high-profile politicians and parties occurred, one of which led to the resignation of the former chancellor in 2021.

Most ODIHR NAM interlocutors stated that the legal framework provides a generally sound basis for the conduct of democratic elections. Several legal changes were introduced in 2022 and 2023, including on publishing precinct-level results, improving access to voters with disabilities, and administering and counting postal ballots. Although some previous ODIHR recommendations were implemented, others remain to be addressed, including on timely and effective remedy for electoral disputes, increasing the transparency of election board meetings, removing restrictions in providing support signatures for candidacies and allowing for civil society election observation.

The elections are managed by five levels of electoral boards supported by the Federal Ministry of Interior (FMoI) and other administrative bodies. Parliamentary parties can appoint members to all boards. According to ODIHR NAM interlocutors this ensures the transparency of the work of election boards, and they also expressed full confidence in their impartiality. There are no legal measures to promote gender balance on election boards, and the FMoI does not systematically collect gender-based information; only 3 of the 17 members of the Federal Electoral Board are women. To ensure sufficient staff on polling boards, the law was recently amended to increase their remuneration.

Some 6.3 million voters are registered to vote. ODIHR NAM interlocutors did not raise concerns with the accuracy of the voter register, but some noted the issue of the very high number of long-term residents without citizenship and, therefore, without representation in parliament. The 2023 amendments introduced significant changes to postal voting, and most postal ballots will be counted in

the polling stations after the polls close. The design and layout of postal voting material was simplified and voters can track the delivery of postal ballots online, which was positively assessed by ODIHR NAM interlocutors.

Voters over 18 years of age, except those sentenced for more than six months in prison or for a probationary term of more than a year, may stand for election. In order to contest elections, a party must have the support of at least three members of parliament (MPs) in each province or collect a minimum of 2,600 support signatures from eligible voters nationwide. Individual candidacies are not allowed. To support a list, voters must sign a support form at the municipal office of their residence, which some ODIHR NAM interlocutors consider as an unreasonable barrier, as the signing must be done during working hours and potentially compromising the voter's privacy due to disclosure of their political preference.

There is no official campaign period, and campaigning is allowed at any time, including on election day, except near and inside polling stations. Prominent campaign topics during the pre-election period include immigration, social welfare, education, climate change, and national and international security. Some ODIHR NAM interlocutors raised concerns about the use of misogynous or aggressive rhetoric, disinformation on social networks and foreign interference. Some political parties informed the ODIHR NAM that they increasingly cover the issue of inclusion of persons with disabilities in their programmes.

The legal framework provides for private and public funding, and some ODIHR NAM interlocutors held that the public funds, which can be used for campaigning, are excessive. Donations are limited per donor and per party on an annual basis. Based on past breaches of the expenditure limits by some parties, the fines for overspending were considerably increased in 2019 and 2022, and some ODIHR NAM interlocutors considered these increases as an efficient deterrent against breaches. The law was amended in 2022 to oblige publicly funded parties to report on campaign expenditures within six months after the elections and increased the authority of the Court of Audit to scrutinize the political parties' financial reports, in line with prior ODIHR recommendations. There are no obligations for the interim reporting of expenditures during the campaign period. The Court of Audit scrutinizes parties' annual reports, but ODIHR NAM interlocutors stressed that this process takes too long, which might not be conducive to parties' financial transparency and accountability.

The media landscape is diverse but media outlets operate within a limited advertising market. Television remains the primary source of political information, with a dominant public Austrian Broadcasting Corporation (ORF). Most ODIHR NAM interlocutors underlined the high level of press freedoms, but some remarked on the excessive public advertising in the media that distorts the information space and may result in corruptive practices. Defamation, libel, insult, and slander remain criminal offences that are punishable with a fine or imprisonment of up to a year, despite a previous ODIHR recommendation to decriminalize them. Most media intend to cover the election campaign, and the ORF is obliged to give equal allocations of free airtime to the contestants; despite that, ORF has a practice of inviting only parliamentary parties to its debates.

Contestants may challenge the provincial or federal-level results within three days with the election boards. Only representatives of campaigning parties and candidates who were denied participation in the elections can file appeals on election results with the Constitutional Court within four weeks after the results are announced. The law does not define adjudication deadlines for the Court. Despite the limitations in legal standing and lack of possibility for an expedited legal challenge, most ODIHR NAM interlocutors expressed confidence in the dispute resolution process and the impartiality of adjudicating bodies.

All ODIHR NAM interlocutors expressed a high level of confidence in all aspects of the electoral process. The newly introduced rules related to campaign finance and election administration are seen as improvements by all interlocutors and there are no new issues have been identified on the conduct of

elections that would benefit from an assessment by ODIHR. Based on this, the ODIHR NAM does not recommend deploying an election-related activity for the upcoming early parliamentary elections. However, ODIHR encourages the authorities of Austria to consider the issues raised by interlocutors in discussions with the ODIHR NAM, as well as the previous ODIHR recommendations that remain unaddressed, including concerning timely and effective remedy for electoral disputes. ODIHR stands ready to offer assistance upon request in a post-election follow-up process.

III. FINDINGS

A. BACKGROUND

Austria is a federal parliamentary republic consisting of nine provinces (*Bundesländer*). The president serves as head of the state and appoints a chancellor who heads the government. The bicameral parliament comprises the 183-member National Council (*Nationalrat*), directly elected for a five-year term, and the 61-member Federal Council (*Bundesrat*), indirectly elected by the provincial legislatures.¹ On 11 June, the government announced that the parliamentary elections would take place on 29 September.

Following the September 2019 parliamentary elections, which were held early due to a political corruption crisis in the government, five political parties were represented in the National Council, with the Austrian People's Party (ÖVP) and the Green Party forming a coalition government.² Since the 2019 elections, there have been several high-profile corruption scandals involving politicians and political parties across the spectrum. In October 2021, Chancellor Sebastian Kurz resigned in relation to a corruption scandal and subsequently came under investigation for allegedly bribing some private news outlets to skew opinion polls in his favour, some of which were paid through public funds. The ÖVP and the Greens continue to govern ahead of these elections, with Mr. Karl Nehammer of the ÖVP as the Chancellor.

Women are less represented in leadership positions in politics and business, which is also posited by the government.³ In the National Council and Federal Council women comprise 40 and 41 per cent, respectively, and the composition is similar in the provincial parliaments. Currently, 7 of 15 government members are women, and both state secretaries are women.

While ODIHR did not recommend observation activity for the last 2022 presidential and 2019 parliamentary elections, it has previously observed four elections in Austria.⁴ The final report of the Election Assessment Mission deployed for the 2017 early parliamentary elections contains 17 recommendations, including four priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁵

¹ The National Council holds the primary authority in the legislative process whereas the Federal Council has mainly a consultative role.

² The ÖVP received 71 seats, the Social Democratic Party (SPÖ) 40 seats, the Freedom Party (FPÖ) 31 seats, the Greens 26 seats, and the New Austria and Liberal Forum (NEOS) 15 seats.

³ See the [information page](#) of the Federal Chancellery on women in leadership positions.

⁴ See previous [ODIHR election observation reports on Austria](#).

⁵ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1929 Constitution, last amended in 2024, and the 1992 Parliamentary Elections Act (PEA), last amended in 2023.⁶ While some concerns were expressed regarding the provisions for the registration of candidates, most ODIHR NAM interlocutors stated that the legislation provides a sound basis for the conduct of democratic elections. Election observation by candidate representatives and international organizations is permitted; however, the law does not foresee citizen observation at odds with OSCE commitments. Austria is a party to major international and regional instruments related to the holding of democratic elections.⁷

The Constitution was amended in February 2024 to strengthen the obligation of various state institutions and public companies to provide information of public interest; this change will come into effect on 1 September 2025.⁸ Several important changes were introduced to the PEL in 2022 and 2023, such as the obligation of electoral boards (EBs) to publish precinct-level election results, improving access to voters with disabilities, administering and counting postal ballots and remuneration of election board members. While these changes implement some previous ODIHR recommendations, others remain to be addressed, including on introducing timely and effective remedy for electoral disputes, excluding the possibility for candidates and (members of parliament) MPs to serve on election boards, increasing the transparency of election board meetings, removing restrictions in providing support signatures for candidacies and allowing for civil society election observation.

The 183 members of the National Council are elected for a five-year term through a party-list proportional system with preferential voting. For election purposes, the nine provinces are further divided into 39 regional constituencies.⁹ The number of seats elected per constituency is based on population sizes according to the last census.¹⁰ Voters mark a candidate list of their choice on the ballot and may cast up to three preferential votes within the list, one each for a candidate on the federal, provincial and regional levels.¹¹ To win seats, parties must either win at least one regional seat or reach the 4-percent national threshold.¹²

C. ELECTION ADMINISTRATION

The election administration has a complex structure with five levels of election boards supported by four levels of administrative election management bodies (EMBs).¹³ The boards are the Federal Election Board (FEB), 9 Province Election Boards (PEBs), over 100 District Election Boards (DEBs),

⁶ Additional relevant laws include the 1947 Prohibition Act, the 1953 Constitutional Court Act, the 1973 Act on the Electoral Register, the 1974 Penal Code, and the 2012 Federal Act on Financing of Political Parties (FPPA).

⁷ Including the 1966 International Covenant on Civil and Political Rights, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 2003 UN Convention against Corruption, the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), and the 1950 European Convention on Human Rights. Austria is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

⁸ [Among other provisions](#), the state institutions and municipalities larger than 5,000 inhabitants must actively provide information of public interest in an accessible manner.

⁹ See the current [distribution](#) of seats per regions.

¹⁰ See Table 1.1 of the [Register-based Census conducted by Statistics Austria in 2021](#).

¹¹ All candidates on the regional level are printed on the ballot, while the preferred candidates for provincial and federal levels must be written in. See the official [ballot template](#).

¹² First, at the regional level, seats are allocated to parties according to the simple quota. The remaining regional seat are allocated at the provincial level using the same method of calculating the quota. Finally, at the federal level, any seats that remain are allocated to the lists according to the d'Hondt system among the lists that gained at least 4 per cent votes nationwide or won at least one regional seat.

¹³ The EMBs work on the federal, provincial, district and municipal levels and perform various tasks, such as preparing materials for the EBs, conducting voter information campaigns, creating manuals and training election officials.

over 2,000 Municipal Election Boards (MEBs), and approximately 10,000 Polling Station Boards (PSBs). All ODIHR NAM interlocutors expressed confidence in the professionalism and impartiality of the election administration at all levels.

The FEB has 17 members, 15 from parliamentary political parties and two judges and is chaired *ex officio* by the Minister of Interior; only 3 FEB members and three substitute members are women. The PEBc, DEBs and MEBs all have nine members and a chairperson, and the PSBs have three members and a chairperson. Several ODIHR NAM interlocutors remarked on the lack of polling board members in previous elections in some locations, having the legal obligation for nomination only by political parties.¹⁴ To address this, the law was amended to increase and fix the remuneration for all PSB members and their deputies based on hours worked.¹⁵

The FEB reviews and approves candidate lists, establishes the final results, and handles disputes related to election results. The FEB is assisted by the Federal Ministry of Interior (FMoI), who also serves as the national election co-ordination body, runs the voter information campaign and prepares and prints election materials and training manuals. The FMoI informed the ODIHR NAM that it produces some materials, such as postal voting instructions, in several minority languages.

The PEBs register candidates on the provincial and district levels, tabulate preliminary results, and distribute training and other materials. DEBs provide information and train the lower level boards; municipal election authorities maintain the voter register, issue voting cards, prepare polling stations and count some postal ballots. The PSBs conduct voting and counting on election day and, following the 2023 amendments to the PEA, also count most of the postal ballots (see *Voter Registration and Voting Methods*).

All election boards are permanent entities that convene as needed during elections. Parliamentary parties appoint members to boards at all levels, which, according to ODIHR NAM interlocutors, ensures a transparent election process. Non-parliamentary parties may nominate observers. There are no legal measures to promote gender balance on election boards, and the FMoI does not systematically collect gender-based information. Additionally, the FMoI informed the ODIHR NAM that such information would not be collected following the 2018 Constitutional Court decision on citizens' right to privacy related to gender and gender self-determination.¹⁶

The 2022 amendments to PEA include the requirement to publish all precinct-level results aimed at increasing transparency. In 2023, various accessibility improvements have been made in terms of physical access to polling premises and accommodations for voters with visual or cognitive difficulties.¹⁷ The ODIHR NAM was informed that in May 2024, the Austrian Research Promotion Agency (FFG) commissioned a review of the FMoI election website and concluded that, although

¹⁴ The Constitution provides that “the [PSB] members not being judges shall be appointed on the basis of proposals of the campaigning parties corresponding to their proportion in the preceding election to the National Council.” Pending legal changes to remove this requirement, the FMoI informed the ODIHR NAM of their intention to establish a pool of election officials to serve as a roster, particularly in cases of shortages.

¹⁵ This also includes the party observers from non-parliamentary parties competing in the elections.

¹⁶ *Inter alia*, the court [established](#) that the law (Civil Status Act) must be applied in a manner safeguarding the rights of individuals with varying gender development decisions and requires the state agencies to effectively enable the individuals concerned to determine their gender identity fully and on their own.

¹⁷ At least one polling station per polling centre where multiple polling stations are clustered must be independently accessible, and the law requires full accessibility from 2028. There also must be a barrier free polling booth in each polling station and the ballots and other polling and information material are to be designed with larger fonts and easy to read language, for persons with cognitive disabilities. In addition, the FMoI, also designed a new template (a stencil) for voters with visual impairments.

generally accessible, several adjustments could be made to align it with the standards prescribed in the Web Content Accessibility Guidelines (WCAG).¹⁸

D. VOTER REGISTRATION AND VOTING METHODS

Citizens who are at least 16 years of age on election day have the right to vote, except if their suffrage rights are suspended by a court decision following a conviction for specific crimes.¹⁹ Voter registration is passive except for citizens residing abroad, who need to apply and re-apply at least every ten years to stay registered. According to the FMOI, more than 6.3 million voters are on the register. ODIHR NAM interlocutors did not raise any concerns with the accuracy of the voter register. However, some raised the issue of the very high number of long-term residents without citizenship and, therefore, without representation in the parliament.²⁰

Following the 2023 amendments to the PEA, voters with electronic IDs can check their own entries online.²¹ Moreover, the public notices posted at citizens' building entrances in municipalities with more than 10,000 inhabitants will no longer include a list of all registered residents in the building but only a QR code for secure self-check with an electronic ID.²²

Voter lists should also be posted from 30 July to 8 August for public scrutiny, and, in case of mistakes, anyone can request a change with the MEBs and further appeal the decision to the administrative court.²³

Municipalities can set various opening hours for the polling; the law only requires that the polling stations must close at 5 pm. Eligible voters who are not able to vote in person for health reasons or absence have the right to vote by post. The voter needs to specify a reason for requesting a postal ballot, but the municipalities do not have to verify this reason. Voters in prisons, detention centres, care homes and hospitals, as well as homebound voters, may also use postal voting, and the voters residing abroad can only vote by postal ballot.²⁴

The 2023 amendments and their implementation by the FMOI have significantly reorganized the workflow for handling and counting postal ballots. The majority of postal ballots received before election day will be distributed to the PSBs for counting after the polls close.²⁵ Other changes simplified the layout and design of the postal ballot outer envelope (*Wahlkarte*) and introduced an online tracking system for postal ballots, which allows voters to verify if their ballots were received on time. The ODIHR NAM interlocutors viewed these changes positively, noting that they would facilitate quicker publication of preliminary results and prevent issues with errors and shortages of DEB members who previously administered the counting.

¹⁸ The FMOI informed the ODIHR NAM that, by early September 2024, in cooperation with the Austrian Disability Council, the election website was aligned with the WCAG.

¹⁹ If convicted and imprisoned for more than a year for an offence against the state, army, and supreme state bodies or for electoral fraud, or if imprisoned for more than five years for any crime.

²⁰ The [1985 Citizenship Act](#) provides in general a minimum residency of foreigners or stateless persons 10 year before being eligible to receive Austrian citizenship, and 6 years in specific cases. See also the 2019 IOM [report](#) on acquiring citizenship in Austria.

²¹ As of March 2024, some 34 per cent of citizens over the age of 14 have the [electronic ID-Austria](#) and, according to the FMOI this form of identification is increasingly used, including for voters residing abroad.

²² The FMOI informed the ODIHR NAM that this measure follows the EU General Data Protection Regulation requirements but that some citizens find it more difficult to understand the changes and verify their registration.

²³ Parties contesting elections may obtain copies of the voter lists.

²⁴ Voters residing abroad may return their ballot by post or deposit it at their embassy or consular representation for return to Austria at least six days prior to election day if in an EU country or at least nine days elsewhere.

²⁵ Only postal ballots received by the time of closing, i.e., by 5 pm on election day, will be counted. Ballots received by 27 September at 12:00pm should be transferred and counted at PSBs on election day. Ballots received later are counted by the DEBs or by PEBs after the election day.

E. CANDIDATE REGISTRATION

Eligible voters over 18 may stand for election unless they are excluded from candidacy for certain intentional crimes.²⁶ In order to contest elections, a party must have the support of at least three MPs or collect a minimum of 2,600 support signatures from eligible voters. Parties may contest the elections in all or only some provinces; if the latter, they must submit a minimum number of voter signatures that varies per province.²⁷ Individual candidates cannot stand in parliamentary elections. ODIHR has consistently recommended the possibility of standing in national elections individually, in line with OSCE commitments.

Each voter can sign in support of only one contestant.²⁸ Voters who wish to support a list of candidates must verify their identity and sign a support form at the municipal office of their residence. Some ODIHR NAM interlocutors questioned the procedure because of the residency limitation and stated that it presents an unreasonable barrier for supporters, as it must be done during working hours. In smaller municipalities, it may also present a privacy concern related to political preference.

Nominations for province and regional candidate lists have to be submitted to the PEBs at the latest by 2 August. The PEBs check the applications for deficiencies, and if any are identified, they allow the submitter to amend mistakes, but the re-submission must also occur by 2 August. There is no limitation to a candidate standing on multiple regional and provincial lists and also on the federal list. According to some election stakeholders, this allows the parties to strategically position the most popular candidates or increase the chances of specific candidates to get elected. Unregistered contestants or candidates cannot challenge the decision of PEBs and the FEB on candidate registration until after the conclusion of the election process (see *Electoral Dispute Resolution*).

There is no legally mandated gender quota, but several political parties informed ODIHR NAM that they have internal quotas, and some try to ensure gender parity, including through a zippered list system for the federal-level candidate list. In July 2019, the law on public funding of parliamentary groups was amended to promote a higher proportion of women.²⁹

F. ELECTION CAMPAIGN

Fundamental freedoms are constitutionally guaranteed and the legislation includes a few regulations on campaigning. There is no official campaign period, and campaigning is allowed at any time, including on election day, except inside and in the vicinity of polling stations. Contestants must notify the authorities 48 hours before holding a public assembly so that adequate security can be provided.

According to several ODIHR NAM interlocutors, prominent campaign topics during the pre-election period include immigration, social welfare, education, climate change, and national and international security. Parties met by the ODIHR NAM indicated they plan to use various campaigning methods, such as TV debates, voter meetings, social media posts, billboards, posters, canvassing, and the distribution of campaign literature.

²⁶ Including those receiving a prison sentence of at least six months or a conditional prison sentence of more than one year for an intentional crime. In addition, under the Prohibition Act, persons can be barred from candidacy for acts in support of Nazism, justification of the Nazi genocide, or committing or justifying crimes against humanity.

²⁷ A minimum of 100 support signatures for Burgenland and Vorarlberg; 200 for Carinthia, Salzburg, and Tyrol; 400 for Styria and Upper Austria; and 500 for Lower Austria and Vienna.

²⁸ In contrast, MPs can support multiple lists.

²⁹ If the share of woman MPs in a parliamentary group exceeds 40 per cent in either council, the funding for the parliamentary group is increased by 3 per cent.

Some ODIHR NAM interlocutors raised concerns about the use of misogynous or aggressive rhetoric and disinformation on social networks, including through the spread of unfounded conspiracy theories which serve as tools to amplify support for fringe political options.³⁰ On 30 December 2023, parliament adopted a Digital Services Act (DSA) Accompanying Act that amended several pieces of legislation and came into effect in February 2024, together with the EU-wide DSA.³¹ The new regulation aims to provide for stricter rules on content moderation, better protection of citizen's fundamental rights and increased accountability of online platforms which, *inter alia*, is aimed at combatting disinformation. Some ODIHR NAM interlocutors also highlighted concerns about foreign interference, noting the recent disclosure of an unlawful leak of sensitive information to foreign entities.³²

Some political parties informed the ODIHR NAM that they increasingly cover the issue of inclusion of persons with disabilities in their programmes. In June, before the European Parliament elections, the Austrian Disability Council conducted a series of interviews with senior political party members about their programmatic positions regarding the electoral participation of persons with disabilities.³³

G. POLITICAL PARTY AND CAMPAIGN FINANCE

The legal framework provides for private and public political funding. The Federal Act on Financing of Political Parties (FPPA) was amended in 2022 with several important provisions, including introducing the obligation of the contestants that receive public funds to report on campaign expenditures and increasing the authority of the Court of Audit to scrutinize the political parties' financial reports. Public funding is provided to political parties that received at least four per cent of votes in the last parliamentary elections. A total of amount of EUR 34,5 million was allocated to political parties in 2023 on the federal level, and this money can be used for political promotion and campaigning.³⁴ Several ODIHR NAM interlocutors were of the opinion that the public funding for election campaigning is excessive.

Donations from state entities and non-profit organizations are not allowed.³⁵ Anonymous donations of more than EUR 165 and donations in cash or from foreign natural or legal persons exceeding the amount of EUR 540 are also prohibited.³⁶ For these elections, lawful donations are limited to EUR 9,285 per individual and legal entity per calendar year, and the annual ceiling of donations per political party is set at EUR 928,130.

The campaign expenditure limit, which applies only for the official election period starting from 9 July, is set at EUR 8,662,515 per contestant.³⁷ The law precisely defines which expenditures are considered

³⁰ For instance, one of the most popular narratives is related to the wind turbines being responsible for climate change.

³¹ See the EU [DSA](#) and the national 2024 [DSA Accompanying Act](#). The Austrian Communications Authority ([KommAustria](#)) was designated to be the national digital services co-ordinator.

³² On 29 March, a former domestic intelligence official was arrested for selling sensitive information to actors in the Russian Federation. Some stakeholders alleged connection of the arrested former official with the FPÖ, which the party denied.

³³ See the 2024 [elections webpage](#) of the Austrian Disability Council.

³⁴ Each party in the National Council with at least five MPs (forming a parliamentary group) receives a basic amount of EUR 218,000. The rest is distributed among the parties represented in the National Council in proportion votes received in the last parliamentary elections. Additionally, parties who won 1 to 4 per cent of votes get compensated against proven expenditures made in the official campaign period, but a maximum of up to EUR 2.5 per vote. See [the report on the distribution of federal public funding for political parties 2013-2023](#).

³⁵ Political parties must not accept donations from corporations under public law, undertakings and institutions in which the public sector holds a share of at least 25 per cent and non-profit organisations.

³⁶ These amounts have been reduced since the last parliamentary elections.

³⁷ The official election period starts from the specific date (*Stichtag*) which is set together with the day of elections for the purpose of determining various election deadlines. The law, as amended in 2019, provides for the figure of EUR 7 million as a campaign expenditure limit, but also provides for a mechanism of adjustment due to inflation, [as determined by Statistics Austria](#).

as costs for campaign advertising. Some ODIHR NAM interlocutors remarked that, in previous elections, a few of the largest political parties knowingly exceeded the expenditure limit, as they could rely on the generous public funding available to parties in parliament to pay the sizeable fines imposed by the Independent Political Parties Transparency Panel (IPPTP).³⁸ To address this practice, the fines for exceeding the limit were considerably increased through recent legal amendments.³⁹ Some ODIHR NAM interlocutors expressed an opinion that this increase, combined with possible damage to political support for the excessive overspending, provides sufficient incentive to keep the spending within the prescribed limits.

Parties must report all donations above 540 EUR to the Court of Audit, the financial oversight body listed in the parties' quarterly donation reports. During the official election period, donations of over EUR 2,500 must be reported to the Court of Audit immediately, and the Court must publish them immediately. The law requires comprehensive annual reports by political parties represented in the federal and provincial parliaments to be submitted to the Court of Audit by 30 September of the following calendar year.⁴⁰ The Court then publishes the reports with a note that it will review them before they are confirmed. The Court may seek clarifications from political parties, as required, and parties are given sufficient time to respond. However, some ODIHR NAM interlocutors noted that the whole process usually takes a lot of time, resulting in the late publication of the reviewed financial reports, and some argued this is not conducive to financial transparency and accountability of political subjects.⁴¹

Following the 2022 legal amendments, contestants that receive public funds must submit an expenditure report within six months after the elections, partly addressing a previous ODIHR recommendation. The Court of Audit publishes the reports immediately. As with the annual reports, the Court may seek further clarifications. There are no obligations for the interim reporting of expenditures during the campaign period.

The 2022 amendments also increased the authority of the Court to scrutinize the financial reports, in line with prior ODIHR recommendations.⁴² If the court establishes possible irregularities related to the parties' financial reports, it notifies the IPPTP to clarify that there is a violation and establish a fine.⁴³ Decisions of the IPPTP can be appealed to the Federal Administrative Court, with the Constitutional Court acting as the final instance for constitutional challenges on the legality of campaign finance oversight.

H. MEDIA

Austria has a diverse media landscape that encompasses public and private media, operating in a limited market. The media environment supports freedom of expression and gives citizens a broad spectrum of views. Television remains the primary source of political information, while traditional newspapers continue to attract considerable audiences, and social networks and online media also significantly influence political coverage. The Austrian Broadcasting Corporation (ORF) dominates the market with

³⁸ For example, following the 2017 parliamentary elections, ÖVP, FPÖ, and SPÖ spent more than allowed, in some cases more than several million EUR more.

³⁹ If the expenditure limits are breached by 0 - 10 per cent, 10 – 25 per cent, 25 – 50 per cent, and over 50 per cent, the fine amounts to 25, 75, 150 and 200 per cent of the excess expenditure, respectively.

⁴⁰ This deadline can be extended for three more months at the parties' request, i.e., by the end of the year following the reporting year.

⁴¹ For example, the 2021 financial reports from ÖVP and FPÖ were [published](#) only in March 2024.

⁴² If the Court considers or suspects that the information provided in the reports is incorrect or incomplete, it may request the political subject to provide all relevant information, including supporting documents, business records, contracts and correspondence.

⁴³ The IPPTP is a three-member panel appointed by the government on the proposals of the Administrative, the Constitutional and the High Civil Courts, one each, for a period of five years.

its four nationwide channels and regional programs available for all provinces.⁴⁴ Additionally, the German media corporation ProSiebenSat.1 Media owns PULS 4 and ATV, the most popular private broadcasters. Traditional newspapers, both in the tabloid format and quality broadsheets with certain political leanings, continue to be widely read on the national level, and the regional daily newspapers also enjoy considerable circulation.⁴⁵

Most ODIHR NAM interlocutors underlined the high level of press freedoms; however, some raised concerns about excessive public advertisement in the media.⁴⁶ Some election stakeholders also claimed that, in recent years, the government has exercised preference to award public advertisement contracts to media outlets that are less critical of the government and, *vice versa*, that some media outlets expect to receive such contracts to remain uncritical.

The activities of broadcast and print media are regulated by the 1981 Federal Act on the Press and Other News Media, the 1984 Federal Act on the Austrian Broadcasting Corporation, and the 2001 Audiovisual Media Services Act, as well as the European Union directives and other regulations. Defamation, libel, insult, and slander remain criminal offences that are punishable with a fine or imprisonment of up to a year, despite a previous ODIHR recommendation to decriminalize them.⁴⁷

Some ODIHR NAM interlocutors remarked on the recent emergence of internet-based media outlets that produce and post content on online platforms, such as YouTube and Telegram channels, some of which are claimed to be cultivated by and associated with political parties.⁴⁸ ODIHR NAM interlocutors also noted that such media is not required to adhere to fundamental principles of editorial independence, objectivity and diversity of opinions.

Most media cover the election campaign, and the ORF is obliged to give equal allocations of free airtime to the contestants. There is no political advertising on ORF in general and within the campaign. The ORF representatives informed the ODIHR NAM of its plans to conduct individual interviews with party leaders and organize debates between the frontrunners. However, it has a practice to invite to the debates only the parliamentary parties, even if there were other contestants with a prospect of entering the parliament. Some ODIHR NAM interlocutors alleged that some main ORF editors have political affiliations but also underlined the editors' professionalism and considered that ORF programmes are impartial.⁴⁹

The Austrian Communications Authority, KommAustria, ensures the compliance of electronic media with laws based on complaints without conducting media monitoring. The Press Council, a self-regulatory body for print media, reviews complaints against print outlets but lacks sanctioning power.⁵⁰

⁴⁴ Additionally, *ORF.at* offers wide-ranging news coverage, making it a significant source of information.

⁴⁵ Kronen Zeitung, Heute, and Österreich [dominate](#) the market with significant circulation, while the dailies Kurier, Die Presse and Der Standard also provide more in-depth and investigative journalism.

⁴⁶ In the February 2024 [audit report](#) of the media work of the federal government, the Court of Audit [criticized](#) the inefficient and ineffective spending and awarding contracts directly and noted that more than EUR 108 million were spent from 2019 – 2021, and that one of the framework agreements for media placements was worth EUR 180 million for the period from 2021 to 2025.

⁴⁷ If a court orders compensation, the scope and impact of the publication are taken into account, and the amount is up to EUR 50,000.

⁴⁸ Most notably, some ODIHR NAM interlocutors asserted that the [AUF-1](#) online channel is directly affiliated with the FPÖ and highly popular among some of its supporters.

⁴⁹ On 2 April, a new [ethics code](#) was published that essentially prohibits the ORF employees from engaging with or for any political parties.

⁵⁰ Membership in the council is voluntary, and its decisions have no legal implications for the media and journalists.

I. ELECTION DISPUTE RESOLUTION

The procedures for complaints and appeals are governed by the PEA, the Constitutional Court Act, and the Administrative Court Proceedings Act. Authorized party representatives may contest the provincial or federal-level results with the PEBs or FEB, respectively, within three days of the announcement.⁵¹ Further appeals may be filed with the Constitutional Court within four weeks after the announcement of results, and the Court's decisions are final. Complaints and appeals can only be filed by contestants or a nominee excluded from standing in elections. The law does not define a deadline for adjudicating these complaints by the Constitutional Court.

ODIHR has previously recommended that election-related complaints, including those pertaining to candidate registration, be open to judicial review prior to the announcement of the final election results. Despite the limitations in legal standing and lack of possibility to challenge the election process in an expedited manner, most ODIHR NAM interlocutors expressed confidence in the complaints and appeals process and due impartiality of both the election authorities and the judiciary.

J. CITIZEN AND INTERNATIONAL OBSERVERS

While parliamentary parties serve on the EBs, other parties participating in elections can nominate up to two observers per polling station by submitting their names at least ten days before the elections. Despite a previous ODIHR recommendation, there are no provisions for citizen election observation. The law describes election observers only as those invited and accredited by the Federal Ministry for European and International Affairs from the OSCE and the OSCE participating States.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors expressed a high level of confidence in all aspects of the electoral process. The newly introduced rules related to campaign finance and election administration are seen as improvements by all interlocutors and there are no new issues have been identified on the conduct of elections that would benefit from an assessment by ODIHR. Based on this, the ODIHR NAM does not recommend deploying an election-related activity for the upcoming early parliamentary elections. However, ODIHR encourages the authorities of Austria to consider the issues raised by interlocutors in discussions with the ODIHR NAM, as well as the previous ODIHR recommendations that remain unaddressed, including concerning timely and effective remedy for electoral disputes. ODIHR stands ready to offer assistance upon request in a post-election follow-up process.

⁵¹ According to the FMOI, the application must provide sufficient evidence explaining why and to what extent the results reported by the PEB or FEB do not comply with the law. If these reasons are not included, the appeal may be dismissed without further review.

ANNEX: LIST OF MEETINGS

Federal Ministry for Europe, Integration and Foreign Affairs

Gerhard Mayer, Deputy Head, Permanent Mission of Austria to the OSCE
Christine Brandauer, Attaché, Permanent Mission of Austria to the OSCE
Bernhard Faustenhammer, Head of Department, Department of Expatriates Abroad

Constitutional Court

Stefan Frank, Secretary General

Supreme Administrative Court

Robert Schick, President of the Senate, Substitute Member of the Federal Election Board
Meinrad Handstanger, President of the Senate (retired), Member of the Federal Election Board

Federal Ministry of the Interior

Gregor Wenda, Head, Department of Electoral Affairs
Bernhard Brait, Deputy Head, Department of Electoral Affairs
Simon Baumgartner, Legal Counsel, Department of Electoral Affairs

City Council of Vienna

Christine Bachofner, Head, Elections Department
Christian Ruzicka, Deputy Head, Election Department

Independent Political Parties Transparency Panel

Michael Kogler, Head of Administration

Political Parties

Tobias Schweiger, Spokesperson, Communist Party (KPÖ)
Martin Graf, Member of Parliament, Freedom Party (FPÖ)
Maxie Klein, Office Manager, Green Party (Grüne)
Olga Voglauer, General Secretary, Green Party (Grüne)
Douglas Hoyos, General Secretary, New Austria and Liberal Forum (NEOS)
Fabian Stütz, Head of Policy and Strategy, People's Party (ÖVP)
Julia Pühringer, Advisor on Policy and Strategy, People's Party (ÖVP)
Erich Enengl, Federal Election Board Member, Social Democratic Party (SPÖ)
Alina Blafard, Federal Election Board Member, Social Democratic Party (SPÖ)

Media

Markus Muller-Schinwald, Chief Reporter, International Affairs, Austrian Broadcasting Corporation (ORF)
Oliver Pink, Head, Department of Domestic Politics, *Die Presse*
Nina Horaczek, Editor, *Der Falter*

Civil Society

Bernhard Bruckner, Secretary General, Austrian Disability Council
Victoria Biber, EU and International Affairs, Austrian Disability Council
Nicola Onome Asiemo, EU and International Affairs, Austrian Disability Council
Armin Rabitsch, Election-Watch.EU
Paul Grohma, Election-Watch.EU
Michael Lidauer, Election-Watch.EU

Georg Krakow, Board Member, Transparency International
Clara Schwarzaher, Executive Director, Transparency International
Hubert Sickinger, Independent Expert on Political Financing

International Community⁵²

Representatives of diplomatic missions of Greece, Ireland, Italy, Montenegro, the Russian Federation, Serbia, Türkiye and the United Kingdom.

⁵² The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Austria.